



PRELIMINARY DRAFT
No. 3124

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2014 GENERAL ASSEMBLY

DIGEST

Citations Affected: IC 12-17.2.

Synopsis: Child care provisions. Specifies requirements for federal Child Care and Development Fund voucher program eligibility and registered child care ministries, including staffing, education, training, immunization, fire and building safety, drug testing, and discipline requirements.

Effective: July 1, 2014.



A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 12-17.2-3.5-5, AS AMENDED BY P.L.225-2013, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) A provider shall have:

(1) working smoke detectors that meet the standards adopted by rule for smoke detectors in licensed child care homes; and
(2) hot and cold running water;
in the area of the facility where the provider operates a child care program.

(b) A provider shall meet sanitation standards for bathrooms and handwashing, as established by the division.

(c) A provider shall maintain compliance with standards concerning the following as determined by the division under rules adopted by the division under section 15 of this chapter:

(1) A provider that cares for:

(A) not more than sixteen (16) children at a facility where the provider operates a child care program shall:

(i) maintain a ratio of children to caregivers in the same proportions as the child to staff ratios that are required; and

(ii) provide the same equipment as the equipment that is required;

for a child care home under IC 12-17.2-5; or

(B) more than sixteen (16) children at a facility where the provider operates a child care program shall:

(i) maintain a ratio of children to caregivers in the same proportions as the child to staff ratios that are required; and

(ii) provide the same equipment as the equipment that is required;

for a child care center under IC 12-17.2-4.

(2) A provider shall ensure that the child occupancy in a



1 facility where the provider operates a child care program is
 2 not more than one (1) child per thirty-five (35) square feet of
 3 floor space.

4 (3) The provider shall provide appropriate nutrition at
 5 appropriate times.

6 (4) The provider shall discipline appropriately.

7 SECTION 2. IC 12-17.2-3.5-5.5, AS AMENDED BY P.L.225-2013,
 8 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2014]: Sec. 5.5. (a) A provider shall ensure that a child in the
 10 provider's care is continually supervised by a caregiver.

11 (b) A provider who cares for children who are less than twelve (12)
 12 months of age shall:

13 (1) complete the training course provided or approved by the
 14 division under IC 12-17.2-2-1(10) concerning safe sleeping
 15 practices; and

16 (2) ensure that all caregivers of children who are less than twelve
 17 (12) months of age follow safe sleeping practices.

18 (c) A provider shall use a curriculum approved by the division
 19 with each child in the provider's care.

20 (d) A provider must achieve at least the first level certification
 21 under the paths to quality program established by IC 12-17.2-2-14.

22 SECTION 3. IC 12-17.2-3.5-8, AS AMENDED BY P.L.225-2013,
 23 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2014]: Sec. 8. (a) At least one (1) adult individual who
 25 maintains annual certification in a course of cardiopulmonary
 26 resuscitation applicable to all age groups of children cared for by a
 27 provider shall be present at all times when a child is in the care of the
 28 provider.

29 (b) The following apply to an individual who is employed or
 30 volunteers as a caregiver at a facility where a provider operates a child
 31 care program:

32 (1) The individual shall maintain current certification in first aid
 33 applicable to all age groups of children cared for by the provider.

34 (2) Except for an individual who is described in subdivision
 35 (4)(B), the individual must have a high school diploma or a
 36 high school equivalency certificate described in IC 12-14-5-2.

37 (3) The individual shall annually receive the same education
 38 and training that is required under IC 12-17.2-4 for an
 39 individual who is similarly employed or volunteers in a child
 40 care center.

41 (2) (4) If the individual is:

42 (A) at least eighteen (18) years of age, the individual may act
 43 as a caregiver without supervision of another caregiver; or

44 (B) less than eighteen (18) years of age, the individual may act
 45 as a caregiver only if the individual:

46 (i) is at least fourteen (14) years of age; and



- 1 (ii) is, at all times when child care is provided, directly
 2 supervised by a caregiver who is at least eighteen (18) years
 3 of age.
- 4 ~~(3)~~ **(5)** The provider must verify that an employee or a volunteer
 5 has received training concerning child abuse detection and
 6 prevention.
- 7 ~~(4)~~ **(6)** Before beginning employment or volunteer duties, the
 8 individual must receive a formal orientation to the facility and the
 9 child care program.
- 10 (c) A provider shall:
- 11 (1) maintain at the facility where the provider operates a child
 12 care program documentation of all training required by this
 13 section; and
- 14 (2) make the documentation available to the division upon
 15 request.
- 16 **(d) The director of a provider, or a provider if the provider is an**
 17 **individual, shall, not later than:**
- 18 **(1) July 1, 2017; or**
 19 **(2) three (3) years after the date that the individual becomes**
 20 **the director or provider;**
 21 **whichever is later, obtain a child development credential approved**
 22 **by the division.**
- 23 SECTION 4. IC 12-17.2-3.5-9 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) A provider shall
 25 have at least one (1) working telephone in each facility where the
 26 provider operates a child care program.
- 27 **(b) The telephone required by subsection (a) must be compatible**
 28 **with an automated time and attendance tracking system approved**
 29 **by the division.**
- 30 SECTION 5. IC 12-17.2-3.5-10 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) A facility where
 32 a provider operates a child care program must have two (2) exits that:
- 33 (1) do not require passage through a:
- 34 (A) garage; or
- 35 (B) storage area;
- 36 where hazardous materials are stored;
- 37 (2) are not windows;
- 38 (3) are on different sides of the facility;
- 39 (4) are not blocked; and
- 40 (5) are operable from the inside without the use of a key or any
 41 special knowledge.
- 42 **(b) This subsection applies beginning July 1, 2016. In addition**
 43 **to the requirements specified in subsection (a), a room:**
- 44 **(1) in which children who are not more than twenty-four (24)**
 45 **months of age receive care; and**
 46 **(2) that is located in a facility where a provider operates a**



**child care program;
must have at least one (1) exit that does not require the use of
stairs.**

(b) (c) A provider shall:

(1) conduct monthly documented fire drills:

(A) in accordance with the rules of the fire prevention and
building safety commission; and

(B) that include complete evacuation of all:

(i) children; and

(ii) adults who provide child care;
in the facility;

(2) maintain documentation of all fire drills conducted during the
immediately preceding twelve (12) month period, including:

(A) the date and time of the fire drill;

(B) the name of the individual who conducted the fire drill;

(C) the weather conditions at the time of the fire drill; and

(D) the amount of time required to fully evacuate the facility;
and

(3) maintain a two and one-half (2 1/2) pound or greater ABC
multiple purpose fire extinguisher:

(A) on each floor of the facility; and

(B) in the kitchen area of the facility;

in each facility where the provider operates a child care program.

**(d) This subsection applies beginning July 1, 2016. A facility
where a provider operates a child care program must meet the
following requirements:**

**(1) If not more than sixteen (16) children are cared for at the
facility, the facility must have working smoke detectors and
means of egress that meet the requirements that apply to child
care homes under IC 12-17.2-5.**

**(2) If more than sixteen (16) children are cared for at the
facility, the facility must meet the requirements specified in
the building rules and fire safety rules adopted by the fire
prevention and building safety commission.**

**(3) If more than one (1) facility where a provider operates a
child care program is located in a single structure, each
facility must:**

**(A) be separated from each other facility by walls and
doors with a two (2) hour fire resistance rating; and**

(B) individually meet all requirements of this section.

SECTION 6. IC 12-17.2-3.5-11, AS AMENDED BY P.L.225-2013,
SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2014]: Sec. 11. (a) A provider shall provide for a safe
environment by ensuring that the following items are placed in areas
that are inaccessible to the children in the provider's care:

(1) Firearms and ammunition.



(2) Poisons, chemicals, bleach, and cleaning materials.

(3) Medications.

(4) Other items determined by the division in rules adopted under section 15 of this chapter to pose a danger to children.

(b) A provider shall do the following with respect to transporting children away from the facility where the provider operates a child care program:

(1) Obtain written permission from the child's parent or legal guardian to transport the child.

(2) Ensure that the child is transported only by an employee or a volunteer who:

(A) is at least eighteen (18) years of age;

(B) holds a valid driver's license; and

(C) transports the child in a properly licensed and insured motor vehicle.

SECTION 7. IC 12-17.2-6-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) ~~The parent or guardian of a child shall, when the child is enrolled in a child care ministry, provide the child care ministry with proof that the child has received the required immunizations against the following:~~

~~(1) Diphtheria;~~

~~(2) Whooping cough;~~

~~(3) Tetanus;~~

~~(4) Measles;~~

~~(5) Rubella;~~

~~(6) Poliomyelitis;~~

~~(7) Mumps;~~

(b) ~~A child enrolled in a child care ministry may not be required to undergo an immunization required under this section if the parents object for religious reasons. The objection must be:~~

~~(1) made in writing;~~

~~(2) signed by the child's parent or guardian; and~~

~~(3) delivered to the child care ministry;~~

(c) ~~If a physician certifies that a particular immunization required by this section is or may be detrimental to the child's health, the requirements of this section for that particular immunization are inapplicable to that child until the immunization is found to be no longer detrimental to the child's health.~~

(a) A child care ministry shall maintain and annually update documentation provided by the physician of each child who is cared for by the child care ministry verifying that the child has received complete, age appropriate immunizations, including:

(1) conjugated pneumococcal vaccine; and

(2) varicella vaccine, unless the child has a demonstrated immunity to varicella.

The state department of health shall determine for each age level



the immunizations that constitute complete, age appropriate immunizations.

(b) A child care ministry complies with subsection (a) if:

(1) a child's parent or guardian:

(A) objects to immunizations for religious reasons; and

(B) provides documentation of the parent's or guardian's objection;

(2) the child's physician provides documentation of a medical reason the child should not be immunized; or

(3) the child's physician provides documentation that the child is currently in the process of receiving complete, age appropriate immunizations;

and the child care ministry maintains and annually updates the documentation provided by the parent, guardian, or physician under this subsection.

(c) Not more than thirty (30) days after a child is enrolled at a child care ministry, the child care ministry must receive from the child's parent or guardian a written statement signed by a physician or certified nurse practitioner:

(1) verifying that the child has received a physical examination and may participate in care at the child care ministry; and

(2) listing any medications, allergies, and chronic health conditions of the child.

However, a parent or guardian may provide a written request that the child be exempt from a physical examination described in this subsection based on the religious beliefs of the child.

(d) A child care ministry shall maintain and annually update the documentation provided by a parent or guardian under subsection (c).

SECTION 8. IC 12-17.2-6-14.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14.5. (a) A child care ministry shall, at no expense to the state, maintain and make available to the division upon request a copy of drug testing results for an individual who:

(1) is employed; or

(2) volunteers;

as a caregiver at the child care ministry. The drug testing results required under this subsection must be obtained before the individual is employed or allowed to volunteer as a caregiver.

(b) A child care ministry shall maintain a written policy specifying the following:

(1) That the:

(A) use of:

(i) tobacco; or



(ii) a potentially toxic substance in a manner other than the substance's intended purpose; and

(B) use or possession of alcohol or an illegal substance; is prohibited in the child care ministry when child care is being provided.

(2) That drug testing of individuals who serve as caregivers at the child care ministry will be:

(A) performed based on a protocol established or approved by the division; and

(B) required if an individual is suspected of noncompliance with subdivision (1).

(c) If:

(1) the drug testing results obtained under subsection (a) or (b) indicate the presence of a prohibited substance described in subsection (b)(1)(A)(ii) or (b)(1)(B); or

(2) an individual refuses to submit to a drug test;

the child care ministry shall immediately suspend or terminate the individual's employment or volunteer service.

(d) A child care ministry that suspends an individual described in subsection (c) shall maintain a written policy providing for reinstatement of the individual following rehabilitation of the individual and drug testing results for the individual that are negative for a prohibited substance described in subsection (b)(1)(A)(ii) or (b)(1)(B).

(e) Drug testing results obtained under this section are confidential and may not be disclosed for any purpose other than the purpose described in this section.

(f) A child care ministry that does not comply with this section is subject to:

(1) denial of an application for registration; or

(2) suspension or revocation of the child care ministry's registration;

under this chapter.

SECTION 9. IC 12-17.2-6-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. (a) A child care ministry shall have:

(1) at least one (1) working telephone; and

(2) emergency contact information for each child in the care of the child care ministry;

available to employees of the child care ministry at all times.

(b) A child care ministry shall:

(1) provide appropriately timed, nutritionally balanced meals and snacks in sufficient quantities to meet the needs of each child; and

(2) maintain availability of drinking water at all times.



1 (c) A child care ministry must have at least two (2) exits that:

2 (1) do not require passage through a:

3 (A) garage; or

4 (B) storage area;

5 where hazardous materials are stored;

6 (2) are not windows;

7 (3) are not blocked; and

8 (4) are operable from the inside without the use of a key or
9 any special knowledge.

10 (d) A child care ministry shall provide for a safe environment by
11 ensuring that the following items are placed in areas that are
12 inaccessible to the children in the child care ministry's care:

13 (1) Firearms and ammunition.

14 (2) Poisons, chemicals, medications, bleach, and cleaning
15 materials.

16 (e) A child care ministry shall have hot and cold running water
17 in the area of the child care ministry where children are cared for.

18 SECTION 10. IC 12-17.2-6-17 IS ADDED TO THE INDIANA
19 CODE AS A NEW SECTION TO READ AS FOLLOWS
20 [EFFECTIVE JULY 1, 2014]: Sec. 17. (a) The following apply to a
21 caregiver at a child care ministry:

22 (1) The caregiver shall obtain a physical health examination
23 not more than thirty (30) days before or after the date the
24 caregiver begins employment at the child care ministry.

25 (2) The child care ministry shall train the caregiver in
26 recognizing symptoms of and reporting child abuse and
27 neglect.

28 (3) If the caregiver is less than eighteen (18) years of age, the
29 caregiver shall at all times when child care is being provided
30 be directly supervised by a caregiver who is at least eighteen
31 (18) years of age.

32 (4) The caregiver must have received a high school diploma or
33 a high school equivalency certificate described in
34 IC 12-14-5-2.

35 (5) The caregiver shall have an intradermal tuberculosis test
36 upon employment and annually. However, the caregiver shall,
37 upon employment and annually, have only a symptom
38 screening for tuberculosis performed by a physician if the
39 caregiver has a history of latent or active tuberculosis.

40 (b) A child care ministry shall:

41 (1) maintain documentation of all screening and training
42 required by this section; and

43 (2) make the documentation available to the division upon
44 request.

45 (c) A child care ministry shall ensure that a child in the child
46 care ministry's care is continually supervised by a caregiver.



1 SECTION 11. IC 12-17.2-6-18 IS ADDED TO THE INDIANA
2 CODE AS A NEW SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2014]: **Sec. 18. (a) A child care ministry**
4 **shall:**

- 5 **(1) maintain a written child discipline policy;**
6 **(2) ensure that all caregivers follow the child discipline policy;**
7 **(3) provide to the parent or guardian of each child cared for**
8 **by the child care ministry a written copy of the child**
9 **discipline policy; and**
10 **(4) maintain in each child's file a copy of the child discipline**
11 **policy that has been signed by the parent or guardian**
12 **described in subdivision (3).**

13 **(b) The division shall investigate an allegation of a violation of**
14 **a child care ministry's discipline policy by the child care ministry**
15 **or an employee or volunteer of the child care ministry.**

